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Attorneys for Defendants
C. R. Bard, Inc.,
Bard Peripheral Vascular, Inc.,
and Bard Medical Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability MDL NO. 15-02641-PHX-DGC
Litigation

**DEFENDANTS C. R. BARD, INC.'S,
BARD PERIPHERAL VASCULAR,
INC.'S, AND BARD MEDICAL
DIVISION'S ANSWER AND
GENERAL DENIAL WITH RESPECT
TO CASE NO. CV-16-03274-PHX-DGC;
JURY TRIAL DEMAND**

Defendants C. R. Bard, Inc. ("Bard"), Bard Peripheral Vascular, Inc. ("BPV") and
Bard Medical Division ("BMD") (Bard, BPV, and BMD are collectively "Defendants")
hereby file this Answer and General Denial with Respect to *Michael A. Donigan, as the*
Personal Representative of the Estate of Shirley K. Donigan v. C. R. Bard, Inc., et al., AZ
Member Case No. CV-16-03274-PHX-DGC ("Answer and General Denial"), served
according to the provisions and requirements of Amended Case Management Order No. 4

1 (Doc. 1108). Defendants further reserve the right to file any motion to dismiss for failure to
2 state a claim with respect to this case, as set forth in Amended Case Management Order
3 No. 4.

4 With respect to the allegations plaintiff(s) raise in *Michael A. Donigan, as the*
5 *Personal Representative of the Estate of Shirley K. Donigan v. C. R. Bard, Inc., et al.*, AZ
6 Member Case No. CV-16-03274-PHX-DGC, Defendants deny, generally and specifically,
7 each and every allegation in plaintiff(s)' Complaint, the whole thereof, and each and every
8 cause of action therein. Defendants further deny that the plaintiff(s) has sustained, or is
9 entitled to recover, damages in any amount alleged or in any sum whatsoever. Defendants
10 further deny that they are liable to the plaintiff in any amount, and further deny that the
11 plaintiff has sustained injury, damage, or loss by reason of any act or omission by
12 Defendants.

13 As for additional defenses, and without assuming any burden of pleading or proof that
14 would otherwise rest on plaintiff(s), Defendants incorporate by reference the responses and
15 Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in
16 MDL 2641 on December 17, 2015 (Doc. 366). Defendants further reserve the right to raise
17 such other affirmative defenses as may be available or apparent during discovery or as may
18 be raised or asserted by other defendants in this case. Defendants have not knowingly or
19 intentionally waived any applicable affirmative defense. If it appears that any affirmative
20 defense is or may be applicable after Defendants have had the opportunity to conduct
21 reasonable discovery in this matter, Defendants will assert such affirmative defense in
22 accordance with the Federal Rules of Civil Procedure.

23 **REQUEST FOR JURY TRIAL**

24 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. demand a trial by jury
25 on all issues appropriate for jury determination.

26 **WHEREFORE**, Defendants aver that the plaintiff(s) is/are not entitled to the relief
27 demanded in the plaintiff(s)' Complaint, and these Defendants, having fully answered, pray
28 that this action against them be dismissed and that they be awarded their costs in defending

1 this action and that they be granted such other and further relief as the Court deems just and
2 appropriate.

3 This 28th day of September, 2016.

4 s/Richard B. North, Jr.
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23 **Attorneys for Defendants C. R. Bard, Inc., Bard**
24 **Peripheral Vascular, Inc., and Bard Medical**
25 **Division**
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 28, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Richard B. North, Jr.
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